

REMARKS

Claims 1-16 are pending. Claims 12-16 have been indicated to be allowable. Accordingly, claims 1-11 are at issue.

Claim 12 has been amended to independent form as suggested by the Examiner. Applicants wish to thank the Examiner for the allowance of claims 12-16.

Two Terminal Disclaimers have been filed herewith to overcome the provisional obviousness-type double patenting rejections based on co-pending application Serial Nos. 10/850,225 and 11/088,451.

The rejection of claims 1-3 and 7 as anticipated by DiGianni U.S. Patent No. 5,598,681 is respectfully traversed. The rejection is based upon a misunderstanding of the claims and/or a mischaracterization of DiGianni. More specifically, independent claim 1 recites a planar portion having a proximal edge and a distal edge spaced from the proximal edge, an intermediate portion which adjoins the distal edge of the planar portion at a distal edge of the intermediate portion and having a proximal edge which is spaced from the distal edge of the intermediate portion, and a mounting flange which adjoins the proximal edge of the intermediate strip at an adjoining edge of the mounting flange, the mounting flange extending along a vertical wall when the crown molding member is installed in a first mode with the planar portion extending along a horizontal ceiling. The rejection asserts that the front portion or surface 5 of DiGianni reads on the intermediate portion recited in the claim and that the right angle step 13 of the DiGianni is a mounting

flange as recited in the claim. First, the right angle step does not serve as a mounting flange. Second, it is clear from the figures of DiGianni that the front portion 5 is not adjoined to the right angle portion 13, but rather, the planar surface 3 of DiGianni is connected to the right angle portion 13. Accordingly, DiGianni does not disclose an intermediate portion and mounting flange as recited in independent claim 1 and its dependent claims. For this reason alone, the rejection of the claims should be withdrawn.

Furthermore, claim 2 recites an additional flange which adjoins the proximal edge of the planar portion and which extends toward the mounting flange. The Office Action appears to assert that the right angle step 13 is both the mounting flange and the additional flange recited in claim 2, but it is impossible for the same member to extend towards itself, as recited in the claim. Accordingly, the structure 13 of DiGianni cannot be both a mounting flange and the additional flange as recited in claim 12.

The rejection of claims 1, 4 and 5-11 as anticipated by Keesee U.S. Patent No. 3,201,910 is traversed in view of the amendment to claim 1. More specifically, claim 1 has been amended to characterize the planar portion as extending from the distal edge of the intermediate portion toward the corner in both the first and second modes. This structure is neither shown nor suggested by Keesee. Accordingly, the rejection should be withdrawn.

In view of the foregoing, Applicants respectfully request reconsideration of the rejections of claims 1-11 and allowance of the case.

Respectfully submitted,

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